



10/800200

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	BREDDAM et al.	Examiner:	Unknown
Serial No.:	10/800200	Group Art Unit:	1638
Filed:	March 11, 2004	Docket No.:	12845.0009US01
Title:	BARLEY FOR PRODUCTION OF FLAVOR-STABLE BEVERAGE		

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 15, 2004.

By: A Ewald

Name: A Ewald

**INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(b))**

Mail Stop Missing Parts

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

This statement should be considered because it is submitted within three months of the filing date of the above-identified application, which is not an application under 37 C.F.R.

§ 1.53(d). Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

In accordance with 37 C.F.R. § 1.98(a)(2), a copy of each non-U.S. Patent document or other information listed on the enclosed Form 1449 is provided.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.



Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903

Date: June 15, 2004

A handwritten signature in black ink, reading "Denise M. Kettelberger". The signature is written in a cursive style and is positioned above a horizontal line.

Denise M. Kettelberger  
Reg. No. 33,924  
DMK/ame



N 10/800200

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SUBMISSION OF CERTIFICATE OF BIOLOGICAL DEPOSIT

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Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

The following barley seeds were deposited with the American Type Culture Collection, 10801 University Boulevard, Manassas, VA 20110-2209, an international depository recognized by the Budapest Treaty.


<u>Identification Reference</u>	<u>Patent Deposit Designation</u>	<u>Date of Deposit</u>
Barley, Hordeum vulgare L.: A618	PTA-5584	Oct. 13, 2003
Barley, Hordeum vulgare L.: D112	PTA-5487	Sept. 11, 2003

The undersigned affirms that all restrictions imposed by the depositor on the availability to the public of the deposited biological material will be irrevocably removed upon the granting of the patent except as permitted under 37 C.F.R. 1.808(b).

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903

Date: June 15, 2004

  
Denise M. Kettelberger  
Reg. No. 33,924  
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# ATCC

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10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-365-2745

**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF  
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE**

**INTERNATIONAL FORM**

**RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3  
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2**

To: (Name and Address of Depositor or Attorney)

Carlsberg Research Laboratory  
Attn: Ole Olsen  
Gamle Carlsberg Vej 10  
DK-2500 Copenhagen-Valby  
Denmark

17 NOV. 2003

HØIBERG

Deposited on Behalf of: Carlsberg A/S, Carlsberg Research Laboratory, Gamle Carlsberg Vej 10, DK-2500  
Copenhagen-Valby, Denmark

Identification Reference by Depositor:

Patent Deposit Designation

Barley, Hordeum vulgare L.: A618

PTA-5584

The seeds were accompanied by:    a scientific description a proposed taxonomic description indicated above. The seeds were received October 13, 2003 by this International Depository Authority and have been accepted.

AT YOUR REQUEST: ☒ We will inform you of requests for the seeds for 30 years.

The seeds will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the seeds and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said seeds.

If the seeds should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with viable seeds of the same.

The seeds will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the seeds cited above was tested October 20, 2003. On that date, the seeds were viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

Marie Harris  
Marie Harris, Patent Specialist, ATCC Patent Depository

Date: November 10, 2003

cc: Louise Aagaard

Ref: Docket or Case No.: Carlsberg, null-lox



# ATCC

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BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF  
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INTERNATIONAL FORM

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To: (Name and Address of Depositor or Attorney)

Dr. Ole Olsen  
Carlsberg Research Laboratory  
Gamle Carlsberg Vej 10  
DK-2500 Copenhagen-Valby  
Denmark

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Deposited on Behalf of: Carlsberg A/S, Carlsberg Research Laboratory, Gamle Carlsberg Vej 10, DK-2500  
Copenhagen-Valby, Denmark

Identification Reference by Depositor:

Patent Deposit Designation

Barley, Hordeum vulgare L. seeds: D112

PTA-5487

The seeds were accompanied by:    a scientific description a proposed taxonomic description indicated above. The seeds were received September 11, 2003 by this International Depository Authority and have been accepted.

AT YOUR REQUEST:   X   We will inform you of requests for the seeds for 30 years.

The seeds will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the seeds and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said seeds.

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The seeds will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the seeds cited above was tested September 19, 2003. On that date, the seeds were viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

Marie Harris  
Marie Harris, Patent Specialist, ATCC Patent Depository

Date: October 1, 2003

cc: Louise Aagaard

Ref: Docket or Case No.: Carlsberg, null-lox

FORM 1449\*

## INFORMATION DISCLOSURE STATEMENT

Docket Number:

12845.0009US01

Application Number:

10/800200

IN AN APPLICATION

(Use several sheets if necessary)

Applicant: Breddam et al.

Filing Date: March 11, 2004

Group Art Unit: 1638



## U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	4,683,195	07/28/1987	Mullis et al.			
	4,800,159	01/24/1989	Mullis et al.			
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	6,355,862 B1	03/12/2002	Handa et al.			
	2003/0074693 A1	04/17/2003	Cahoon et al.			

## FOREIGN PATENT DOCUMENTS

	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	WO 02/053721 A1	07/11/2002	PCT				

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

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EXAMINER

DATE CONSIDERED

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<b>FORM 1449*</b> <b>INFORMATION DISCLOSURE STATEMENT</b>  <b>IN AN APPLICATION</b>  (Use several sheets if necessary)	Docket Number: 12845.0009US01	Application Number: 10/800200
	Applicant: Breddam et al.	
	Filing Date: March 11, 2004	Group Art Unit: 1638

	Bell, E. and Mullet, J.E., "Lipoxygenase gene expression is modulated in plants by water deficit, wounding, and methyl jasmonate," <i>Mol. Gen. Genet.</i> , 230:456-462 (1991)
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	Filing Date: March 11, 2004	Group Art Unit: 1638

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	Liégeois, C. <i>et al.</i> , "Release of deuterated ( <i>E</i> )-2-nonenal during beer aging from labeled precursors synthesized before boiling," <i>J. Agric. Food Chem.</i> , 50:7634-7638 (2002) (web: 19 Nov. 2002)
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<b>FORM 1449*</b> <b>INFORMATION DISCLOSURE STATEMENT</b>  <b>IN AN APPLICATION</b>  (Use several sheets if necessary)	Docket Number: 12845.0009US01	Application Number: 10/800200
	Applicant: Breddam et al.	
	Filing Date: March 11, 2004	Group Art Unit: 1638

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